

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RACHEE A. WILLIS,

Plaintiff,

vs.

MS. MCEWEN, et al.,

Defendant.

CASE NO. 11cv1683-LAB (RBB)

**ORDER ADOPTING REPORT
AND RECOMMENDATION;**

**ORDER GRANTING DEFENDANT
CDCR'S MOTION TO DISMISS;
AND**

**ORDER DENYING DEFENDANTS
CERROS', LANDEROS', AND
NAVARRO'S MOTION TO
DISMISS**

Defendant California Department of Corrections and Rehabilitation moved to dismiss on Eleventh Amendment Grounds, as did Defendants Cerros, Landos, and Navarro. These motions were referred to Magistrate Judge Ruben Brooks for report and recommendation.

Judge Brooks issued his report and recommendation (the "R&R") on September 13, 2012. Plaintiff Rachee Willis initially objected to the R&R, but later withdrew his objections and stated that he did not object to it. (Docket no. 23.) No Defendant has filed objections to the R&R within the time permitted.

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). The Court may accept, reject, or modify, in whole or in part, the R&R's findings or recommendations. 28 U.S.C. § 636(b)(1).

1 The Court reviews de novo those portions of the R&R to which specific written
2 objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en
3 banc). "The statute makes it clear that the district judge must review the magistrate judge's
4 findings and recommendations de novo *if objection is made*, but not otherwise." *Id.* When
5 no objections are filed, the Court need not review de novo the Report and Recommendation.
6 *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005).

7 Because neither party objects to the R&R, the Court **ADOPTS** it. The CDCR's motion
8 to dismiss is **GRANTED**. All claims against the CDCR are **DISMISSED**, and the CDCR is
9 **DISMISSED** as a party. The motion by Defendants Cerros, Landeros, and Navarro to
10 dismiss Eighth Amendment claims against them is **DENIED**.

11 || IT IS SO ORDERED.

12 | DATED: January 15, 2013

Larry A. Bunn

HONORABLE LARRY ALAN BURNS
United States District Judge